

DECLARATION OF EMERGENCY

Department of Health Board of Medical Examiners

Medical Professions; Restricted Temporary Permits; Emergency
Temporary Permit
(LAC 46:XLV.402 and 412)

The Louisiana State Board of Medical Examiners has exercised the emergency provisions of the Administrative Procedure Act, specifically at R.S. 49:953B, to promulgate amendments to its existing rules in Subpart 2, Chapter 4, (§402.D and §412.H) and adopt a new Subsection (§412.L) to provide for emergency temporary permits for formerly licensed Louisiana physicians and allied health care practitioners during the COVID-19 emergency.

Federal and state governments are responding to an outbreak of respiratory disease caused by a coronavirus identified as SARS-CoV-2 and the disease it causes, Coronavirus disease 2019, which is abbreviated COVID-19.

The state of Louisiana is currently in a public health emergency under R.S. 29:760 et seq. The governor has instructed that “all departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate in actions the state may take in response to the effects of this event.” 25 JBE 2020 (Section 11). The governor, in an attempt to increase the number of health care providers in Louisiana, has suspended Louisiana state licensure laws, rules, and regulations for medical professionals and personnel for those medical professionals and personnel from other states or other countries offering medical services in Louisiana to those needing medical services as a result of this disaster. 29 JBE 2020.

The board has been notified that both local hospitals and the Louisiana Department of Health and Hospitals have expressed concern that there is a shortage of licensed, healthy health care providers to tend to the public, both those affected with COVID-19, as well as those suffering from other ailments, and those injured or in need of care.

The board has determined this Emergency Rule is necessary to prevent imminent peril to the public health, safety, and welfare to respond to the COVID-19 emergency. This Declaration of Emergency is effective March 30, 2020 and shall remain in effect for the maximum time period allowed under the Administrative Procedure Act or until adoption of the final rule, whichever shall first occur.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Subchapter H. Restricted Licensure, Permits

§402. Provisional Temporary Permit Pending Results of Criminal History Record Information

A. - C. ...

D. The board may waive the procedures and requirements for submitting, requesting and obtaining criminal history record information, specified in §402.A, for a non-renewable provisional temporary permit issued under this Subchapter that is effective for not more than 90 days or an emergency temporary permit issued under §412 of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1275 and R.S. 37:1277, R.S. 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 27:843 (June 2001), amended LR 33:1344 (July 2007), LR 36:1243 (June 2010), amended, LR 46:

§412. Emergency Temporary Permits

A. - G.3. ...

H. The board may, in its discretion, extend or renew an expired emergency temporary permit for additional 60-day periods provided all conditions prerequisite to original issuance are satisfied.

I. - K. ...

L. The board may, upon its electronic receipt of a completed application and/or such information as may be required to verify the individual as a former licensee, issue a permit under this Section to an individual who does not possess a current license to practice medicine or as allied health care practitioner in this state, provided:

1. such individual:

a. was formerly licensed by the board;

b. was not, in the preceding 15 years, disciplined by the board;

c. at the time his or her license last expired, held an unrestricted license in-good standing with the board and was not subject to board order, investigation or disciplinary proceedings;

d. affirms that there is no known condition that would impair his/her ability to practice safely;

e. practices within the scope and expertise of his/her education, training and experience and that of the formerly held license issued by the board;

f. has made arrangements and registered to provide health care services with a hospital, institution or facility licensed by the Louisiana Department of Health (LDH) or at another site approved by LDH or the board, that:

i. is registered as a host entity pursuant to the Uniform Emergency Volunteer Health Practitioners Act, La. R.S. 29:781, et seq.; and

ii. initiated the individual's application process by providing electronic confirmation to the LDH and the board that it supports permit issuance and will accept, credential and grant privileges to the individual to provide voluntary health care services for the facility.

g. limits the provision of health care services to patients of the hospital, institution or facility licensed by LDH or at another site specified or approved by LDH or the board, at which he is registered to provide services pursuant to the Uniform Emergency Volunteer Health Practitioners Act, R.S. 29:781, et seq.

2. A permit issued under §412L shall be available to a physician who holds a reduced-fee license pursuant to §418 of this Part without the necessity of satisfying the requirements of §418C.

3. Permit issuance under this Section may be verified from the board's website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 1275; R.S. 37:3301-3312; R.S. 37:3421-3433; R.S. 37:1311-1329; R.S. 37:3240-3257; R.S. 37:3001-3014; R.S. 37:1331-1343; R.S. 37:1360.21-1360.38; R.S. 37:611-628; R.S. 37:2861-2870; R.S. 37:1292; R.S. 37:3351-3361 and R.S. 29:769(E), R.S. 29:785 and R.S. 29:788.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 33:91 (January 2007), amended by the Board of Medical Examiners, Department of Health, LR 46:

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